

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 98-196

CEASE AND DESIST ORDER
REQUIRING
CITY OF LINDSAY
WASTEWATER TREATMENT FACILITY
TULARE COUNTY
TO CEASE AND DESIST
DISCHARGING WASTE CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. The City of Lindsay (City) operates a wastewater treatment facility (WWTF) consisting of headworks, an oxidation ditch, two secondary clarifiers, five disposal ponds, an emergency storage pond, and sludge drying beds. The treatment plant is in Section 3, T20S, R26E, MDB&M.
2. Waste Discharge Requirements Order No. 93-096, adopted by the Board on 25 June 1993, prescribes requirements for discharge of wastewater from the WWTF. Order No. 93-096 prescribes a flow limit of 1.0 million gallons per day (mgd) prior to short-term facility modifications and 1.24 mgd after short-term modifications.
3. Order No. 93-096 specifies, in part, the following:

“Discharge Prohibitions

- A.2 Bypass or overflow of untreated or partially treated waste is prohibited.

“Discharge Specifications

- B.1 The monthly average dry weather (May through October) discharge shall not exceed 1.24 mgd.
- B.6 The maximum EC of the discharge shall not exceed 1000 Tmhos/cm or the average EC of the source water plus 500 Tmhos/cm, whichever is less.

“Provisions

- E.8 The monthly average dry weather discharge shall not exceed 1.0 mgd until modifications to the WWTF are verified by the Board as complete. Thereafter, the monthly average dry weather flow shall not exceed the limit in Specification B.1.
- E.9 The Discharger shall comply with the following time schedule to ensure anticipated short and long-term flows are facilitated and to ensure compliance with Provision E.8 and the Specifications of this Order:

<u>“Task</u>	<u>Compliance Date</u>
--------------	------------------------

Short-term Facility Modifications

Submit Complete Plans and Specifications	1 Oct 1993
Begin Construction	1 Jan 1994
Complete Construction	1 May 1994

Long-term Facility Modifications

Submit Complete Plans and Specifications	1 Mar 1994
Begin Construction	1 May 1994
Complete Construction	1 May 1995”

4. On 23 October 1998, the Board adopted Waste Discharge Requirements Order No. 98-195 which revised and replaced Waste Discharge Requirements Order No. 93-096. Order No. 98-195 states, in part, the following:

“Discharge Prohibitions

- A.2 Bypass or overflow of untreated or partially treated waste is prohibited, except as allowed in Provision E.2 of Standard Provisions and Reporting Requirements.

“Discharge Specifications

- B.1 The monthly average discharge shall not exceed 1.36 mgd.
- B.5 The effluent from the secondary clarifier, prior to discharge to the disposal ponds, shall not exceed the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
BOD ₅ ¹	mg/l	40	80
Total Suspended Solids	mg/l	40	80

¹ Five-day, 20° Celsius biochemical oxygen demand

- B.6 The maximum EC of the discharge shall not exceed 1000 Tmhos/cm or the average EC of the source water plus 500 Tmhos/cm, whichever is less.

“Provision

- E.4 The Discharger shall implement, as more completely set forth in 40 CFR 403.5, the legal authorities, programs, and controls necessary to ensure that indirect discharges do not introduce pollutants into the sewerage system that, either alone or in conjunction with a discharge or discharges from other sources:

“a. Flow through the system and cause a violation of discharge specifications of this Order.”

5. The City violated Waste Discharge Requirements Order No. 93-096 by failing to comply with the time schedule specified in Provision E.9 of Order No. 93-096. Short-term modifications to the WWTF were not started until about August 1994 and the modifications were not completed until September 1996. By the time the City completed the short-term modifications and increased the capacity to 1.24 mgd, the influent flow was above 1.0 mgd, thus violating Discharge Specification B.1 of Order No. 93-096.
6. The City violated Order No. 93-096 by failing to perform long-term modifications to the WWTF as required by Provision E.9 of Order No. 93-096. Despite several reminder letters and Notices of Violation (NOVs) from the Board, the City continued to violate this requirement. The City exceeded the 1.24 mgd flow limit several times, thereby violating Discharge Specification B.1 of Order No. 93-096.
7. Based on the steadily increasing flows at the WWTF and the City's continued failure to implement long-term modifications of the WWTF, the City threatens violation of Discharge Prohibition A.2, Discharge Specification B.1, Provision E.4.a., and effluent limits specified in Discharge Specification B.5 of Order No. 98-195.
8. The City violated Order No. 93-096 by failing to comply with the EC limits specified in Discharge Specification B.6. Since 1994, the effluent EC has been higher than the maximum limit of 1000 Tmhos/cm and also higher than the source water EC plus 500 Tmhos/cm. The Board has sent several NOVs, but the City has yet to correct the problem.
9. The City's failure to correct the high effluent EC problem poses a threat of violation of Discharge Specification B.6 and Provision E.4 of Order No. 98-195.
10. Section 13301 of the California Water Code, states in part, that:

“When the [Board] finds that a discharge of waste is taking place or threatening to take place in violation of waste discharge requirements ... the [Board] may issue a cease and desist order and direct that those persons not complying with the requirements ... (b) comply in accordance with a time schedule set by the [Board.] ...”
11. Title 23, California Code of Regulations, Section 2232(d), regarding publicly owned treatment plants, states, in part, that:

“Whenever [the Board] finds that the wastewater treatment and disposal facilities of a Discharger will reach capacity within four years and that adequate steps are not being taken to address that capacity problem, it shall adopt a time schedule order or other enforcement order”
12. The City violated Waste Discharge Requirements Order No. 93-096 by failing to comply with the time schedule on WWTF expansion, by violating the flow limit several times, and by exceeding EC limits. Continued failure threatens to violate requirements specified in Order No. 98-195.

13. The Board notified the City and interested agencies and persons of its intent to consider adoption of a Cease and Desist Order and provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
14. The Board, in a public meeting on 23 October 1998, heard and considered all comments pertaining to this Order.
15. Issuing an enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Title 14, California Code of Regulations, Section 13321.

IT IS HEREBY ORDERED that, pursuant to Section 13301 of the California Water Code, the City of Lindsay, its agents, successors, and assigns shall:

1. Cease and desist discharging wastes in violation and threatened violation of Waste Discharge Requirements Order No. 98-195. No term or condition of Order No. 98-195 is superseded or stayed by this Cease and Desist Order.
2. The City shall comply with the following time schedule on WWTF expansion:

<u>Task</u>	<u>Compliance Date</u>	<u>Report Date</u>
a. Conduct a study and submit a report based on the study on projected future flows at the WWTF for a minimum of the next 10-year period. Public participation shall be included during the study.	1 Nov 1998	15 Nov 1998
b. Submit a Report of Waste Discharge along with technical information on plans to increase the treatment, storage, and disposal capacity for flows projected in item a., above.		15 Jun 1999
c. Satisfy CEQA for the WWTF expansion and increased discharge.	1 Jun 1999	15 Jun 1999

<u>Task</u>	<u>Compliance Date</u>	<u>Report Date</u>
d. Begin construction.	1 Oct 1999	15 Oct 1999

- e. Complete construction **1 Dec 2000** **15 Dec 2000**

Technical reports shall be prepared by a civil engineer registered in the State of California and experienced in the design of wastewater treatment and disposal facilities. All reports are subject to the review and approval of the Executive Officer.

3. The City shall comply with the following time schedule on correcting the high effluent EC:

- | <u>Task</u> | <u>Compliance Date</u> | <u>Report Date</u> |
|--|------------------------|--------------------|
| a. Submit a written report on the cause(s) of high EC in the effluent and the City's proposed measures to correct the problem. | | 1 Dec 1998 |
| b. Achieve compliance with the EC limit in the waste discharge requirements. | 1 Apr 1999 | 15 Apr 1999 |
4. If, in the opinion of the Executive Officer, the City violates this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, GARY M. CARLTON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 23 October 1998

GARY M. CARLTON, Executive Officer

SH:sh/fmc